

Case No. 14-35305

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

In the Matter of: MERIDIAN SUNRISE VILLAGE LLC,
Debtor.

NB DISTRESSED DEBT INVESTMENT FUND LIMITED;
NB DISTRESSED DEBT MASTER FUND LP;
STRATEGIC VALUE SPECIAL SITUATIONS MASTER FUND II, LP,
Appellants,
v.
MERIDIAN SUNRISE VILLAGE LLC,
Appellee.

Appeal from the United States District Court, Western District of Washington,
District Court No. 3:13-cv-05503-RBL

**STATUS REPORT AND STIPULATION RE STAY OR FURTHER
ABEYANCE AND CONSOLIDATION**

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1. In its Order of April 14, 2014 (Dkt. 2), this Court ruled that the proceedings in the above-captioned appeal, other than mediation, shall be held in abeyance pending the District Court's resolution of Appellants' then-pending motion under Fed. R. Civ. P. 60(b). The Court further instructed Appellants to notify the Court of the outcome of the Rule 60(b) motion within five days of the District Court's decision and advise whether Appellants intend to prosecute this appeal.

2. Appellants hereby notify the Court (a) that the District Court entered its order denying Appellants' Rule 60(b) motion on April 30, and (b) that they intend to prosecute this appeal. As this Court further instructed in its April 14 Order, Appellants will file an amended notice of appeal to include the District Court's order on Appellants' Rule 60(b) motion.

3. In addition, Appellants hereby give notice that trial in the adversary proceeding on Appellee's claims for declaratory judgment, injunctive relief, and breach of contract will commence on May 15. The result of that trial may materially affect the issues in this appeal. Accordingly, the parties hereby stipulate that a stay or further abeyance of appellate proceedings in this appeal is appropriate until the Bankruptcy Court enters a decision (such as findings and conclusions) regarding the aforementioned claims.

4. Lastly, the parties further advise the Court that there are two other appeals from the above-referenced judgment of the District Court that involve the same subject matter: Case Nos. 14-35310 (Appellant Bank of America, N.A.) and 14-35318 (Appellant US Bank National Association). The Court has identified

these cases as companion cases, and the parties stipulate that these appeals should be consolidated for purposes of briefing and oral argument.

WHEREFORE, the parties respectfully requests that the Court enter an Order (a) staying or holding in abeyance appellate proceedings until the Bankruptcy Court decides Appellees' claims for declaratory judgment, injunctive relief, and breach of contract in the underlying adversary proceeding; (b) requiring Appellants to notify the Court of the Bankruptcy Court's resolution of these issues within five days of entry of its ruling on the docket; and (c) consolidating Case Nos. 14-35305, 14-35310, and 14-35318 for briefing and oral argument.

Dated: May 5, 2014

Respectfully submitted,

STOEL RIVES LLP

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on May 5, 2014.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

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